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I. LAND AND PEOPLE

1. Morocco is a Muslim country whose culture is Arab-Berber. Its official language is Arabic, and it is located in the north-west corner of the African continent, between 21° and 36° latitude north. Its area is 710,850 square kilometres. It is bounded on the north by the Mediterranean Sea, and on the west by the Atlantic Ocean. It has land borders with Algeria in the east and Mauritania in the south.

2. It is one of the 10 most highly populated countries in Africa, with a population of 28 million, 50.3 per cent of whom are women and 49.7 per cent men. It is also a basically young country: 37 per cent of the population is aged under 15, 48 per cent under 20 and 65.5 per cent under 30, compared with only 4.4 per cent aged over 65.

3. The mortality rate has dropped substantially in Morocco since the early 1960s, and life expectancy has increased by more than 20 years (47 in 1962, 70 in 1999). At the same time, infant mortality has fallen by two thirds: from 91 per 1,000 in 1980 to 61.6 per 1,000 during the period 1991-1995. This fall remains inadequate in comparison with other countries at a similar level of development. The mortality rate dropped from 10.6 per 1,000 in 1980 to 6.3 per 1,000 in 1997, while life expectancy at birth was thought to be 70 (75 for women in the cities) in 2000.

4. In Morocco, fertility has fallen below 3 children per woman, to a current level of 2.8. Nationally, differences in fertility between urban and rural areas are gradually disappearing, with a gap of less than two (2.3 and 4.1 children respectively) in the period 1995-1997. More than half of women of child-bearing age use a method of contraception. The prevalence of contraception among married women aged between 15 and 49 was estimated at 58.8 per cent in 1997.

5. The 1994 population census showed that there are fewer Moroccans living in rural areas than in urban areas: 48.6 per cent live in rural areas as against 51.4 per cent in urban areas.

6. Morocco has spearheaded efforts in education, and has made undeniable progress in this area since independence. The goal of universal basic education for all children of school age will be reached before 2005. The objectives of the National Charter for Education and Training are:

(a) Determination of the central role that must be played by learners in general and children in particular in reflection and action in the field of education and training;

(b) The need for awareness of the aspirations and needs of children in psychological, emotional, cognitive, physical and social terms;

(c) Perception of universities as observatories of universal scientific and technical progress, meeting places for skilled researchers from all areas, and laboratories for discovery and creation;

(d) Active learning based on discussion and collective efforts.

7. The decade 2000-2009 has been declared the National Decade for Education and Training, and the education sector has been proclaimed the country's priority No. 1 after territorial integrity. In this regard, on the occasion of the celebration of the fifty-first anniversary of the Universal Declaration of Human Rights, His Majesty King Mohamed VI emphasized that "the role of schools remains central in inculcating the values of human rights in the rising generations, so that they become second nature. Hence the first of the priorities on which we focus is the struggle against illiteracy, since the eradication of ignorance is in itself a victory for knowledge and human rights".

8. The main indicators of literacy and education reflect to a large extent the progress accomplished and efforts made in this sector of vital importance for the country. The level of literacy rose from 13 per cent at independence to 25 per cent in 1971, and then to 35 per cent in 1982 and finally to 45 per cent in 1994 - 63 per cent in urban areas and 25 per cent in rural areas. In all, 69 per cent of men are literate compared with 33 per cent of women. The efforts made in the field of literacy and school attendance have benefited the younger generations first and foremost. The illiteracy rate among the population aged 45 was over 82 per cent in 1994. But the best results in the field of literacy were noted for the most part among young people. The highest literacy rates were recorded among young people aged 10-14 and 15-24. The marked improvement in the literacy rate was essentially due to the efforts made to make basic education universal for school-age children through the mobilization of civil society and the Mohammed V Foundation.

9. Analysis of developments in the Moroccan economy shows that it has recorded an average growth rate of 4 per cent, a rate which is dependent to a large extent on the international economic situation and on agricultural production. Morocco's external debt stood at around US$ 19 billion in 1997, accounting for more than 20 per cent of the annual budget. In 1995, according to the national population and employment survey, the working population totalled 10,006,436 persons, or 37.9 per cent of the total population, of whom 4,982,080 were in urban areas and 5,024,356 in rural areas. Farming remains one of the key sectors in the country's economic activity, employing around half of the working population. Urban areas are the principal beneficiaries of job creation. The growth in urban employment is due essentially to the significant rise in non-wage employment (7.3 per cent) at a time when urban wage employment declined by 6.7 per cent. The total working population aged 15 and over reached around 10.24 million, a rise of 0.5 per cent according to the same source. As for the standard of living, in general the disparities between the most comfortable social groups and the least well-off have indeed been markedly reduced, but the gap between social strata and between urban and rural areas remains substantial.

10. During the celebration of the fifty-first anniversary of the Universal Declaration of Human Rights, His Majesty King Mohamed VI stated that: "Our vision of the human rights issue is not limited to the institutional and legal aspects, nor to certain specific measures and procedures, but has led us to devote our attention also to the social aspects, which constitute the foundation for preserving the dignity of man. We continue to focus interest on the integration of those who are deprived and disabled and on the advancement of women in rural areas, who are very severely marginalized ...".

II. GENERAL POLITICAL STRUCTURE

11. Morocco is a constitutional, democratic and social monarchy. The latest revision of the Constitution, which was approved by referendum, dates from 13 September 1996. The initial articles of the Constitution provide that sovereignty belongs to the nation, which exercises it directly by means of referendums and indirectly through constitutional institutions. The political parties, trade union organizations, local communities and professional organizations work together in organizing and representing the citizens.

12. The King is the supreme representative of the nation, the symbol of its unity and the guarantor of the permanence and continuity of the State; he ensures respect for Islam and the Constitution. He is the protector of the rights and freedoms of citizens, social groups and communities.

13. Legislative power is exercised by the Parliament, which since the revision of the Constitution in 1996 has been composed of two chambers: the Chamber of Representatives and the Chamber of Counsellors. The members of the Chamber of Representatives are elected by direct universal suffrage; in the Chamber of Counsellors, three fifths of the members are elected in each region by an electoral college composed of representatives of local communities, the remaining two fifths being composed of members elected in each region by electoral colleges composed of elected representatives of professional bodies and members elected at the national level by an electoral college composed of representatives of wage earners.

14. The Government is composed of the Prime Minister and ministers. It is answerable to the King and Parliament. It is responsible for the enforcement of the law and is in charge of the administration. The Prime Minister has the power to enact regulations; he may delegate some of his powers to ministers; he is responsible for the coordination of ministerial activities.

15. The judiciary is independent of the legislature and the executive. Members of the bench, who may not be removed, are appointed by *dahir* (royal decree) on the recommendation of the Supreme Council of the Judiciary (CSM). The composition of the Council is laid down in the Constitution. It is chaired by the King and composed of nine judges; the Minister of Justice is its vice-chair. Judges are subject to the Judiciary Regulations. The CSM ensures the application of the guarantees granted to judicial officers concerning promotion and discipline.

16. In pursuance of the provisions of article 23 of the *dahir* of 11 November 1974 establishing the Judiciary Regulations, the CSM considers promotion of judicial officers in the context of available posts and in the light of their seniority, competence and professional and ethical conduct. The Council carried out a study of the overall situation of judicial officers in order to assess their skills with a view to confirming them, promoting them to higher responsibilities or removing them from their functions. Following the study, several officers were put forward for posts of the same grade, while others were dismissed.

17. A number of disciplinary measures have been taken in pursuance of article 58 of the Judiciary Regulations, which provides that any breach on the part of a judicial officer in his duties, his honour, delicacy or dignity constitutes misconduct punishable by disciplinary

measures. In April 1999, 61 cases were put before the Council, which meticulously examined the evidence contained in each file and heard the reporting judges, the accused officers and their counsel. Thereafter, the following steps were taken: 9 officers were dismissed; 2 were suspended from their duties; 13 were suspended without pay for periods of between one and six months; one had his promotion delayed, 26 were acquitted and 5 were issued with warnings. It was also decided to defer consideration of four cases pending receipt of additional information, and to forward the file concerning a judicial assistant to the competent disciplinary board.

18. For administrative purposes Morocco is organized in regions. An Act of 2 April 1997 lays down a new legal framework for the regions, which now operate as local authorities headed by a Council which enjoys powers to deliberate and to monitor the executive. Morocco also has 10 *wilayas* which include 13 provinces, 24 prefectures and 31 other provinces, which are themselves divided into rural and urban communes.

19. Local communities elect assemblies to manage their affairs democratically subject to conditions laid down in the law. Councils of communes are elected by a relative majority in a single-round uninominal ballot by universal direct suffrage, for a term of six years. Prefectoral and provincial assemblies are elected by the members of the communal assemblies under the proportional system in which they vote for several names on a list and any remaining seats are attributed to the parties which have the best showing. Only communal councillors may stand for election. These assemblies also include one representative each from professional organizations, chambers of commerce, industry and services, craft trades, agriculture and marine fisheries. The regional councils are composed of elected representatives of local communities, professional bodies and wage earners. They also include members of parliament elected on a regional basis, as well as the chairs of prefectoral and provincial assemblies in the region, who attend the meetings in a consultative role.

III. LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

20. Before describing the bodies which have competence in the field of human rights and the remedies available in the event that such rights are violated, it is important to point out that since 1992, the Constitution itself proclaims Morocco's attachment to human rights, stating in the preamble:

> *"The Kingdom of Morocco, conscious of the need to place its actions in the context of the international bodies of which it is an active and dynamic member, subscribes to the principles, rights and obligations stemming from the charters of those bodies and reaffirms its attachment to human rights as universally recognized."*

This affirmation in the Constitution illustrates the importance Morocco attaches to respect for human rights, whose enumeration in the Constitution gives them greater weight vis-à-vis the various organs of State. Through all these articles, and specifically articles 1 and 18, the Constitution illustrates this spirit of democracy, fairness, liberty and respect for human rights. This is confirmed by the fact that Morocco has acceded to, signed or ratified many international instruments, as follows:

International instruments	Ratification/accession/acceptance
International Covenant on Economic, Social and Cultural Rights	27 March 1979
International Covenant on Civil and Political Rights	27 March 1979
International Convention on the Elimination of All Forms of Racial Discrimination	27 October 1969
ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value	27 March 1979
UNESCO Convention against Discrimination in Education	30 August 1968
UNESCO Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education	30 August 1968
ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation	13 December 1962
International Convention against Apartheid in Sports	28 May 1993
Convention on the Prevention and Punishment of the Crime of Genocide	12 January 1951
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	26 June 1987
Slavery Convention	9 March 1927
Protocol amending the Slavery Convention	
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	19 June 1973
ILO Convention No. 29 concerning Forced Labour	16 December 1957
ILO Convention No. 105 concerning the Abolition of Forced Labour	22 October 1966

International instruments	Ratification/accession/acceptance
Convention relating to the Status of Refugees	26 August 1954
Protocol relating to the Status of Refugees	27 July 1970
ILO Convention No. 11 concerning the Rights of Association and Combination of Agricultural Workers	16 December 1957
ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively	16 December 1957
ILO Convention No. 122 concerning Employment Policy	15 March 1966
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	14 June 1993
Convention on the Political Rights of Women	5 October 1954
Convention on the Elimination of All Forms of Discrimination against Women	14 June 1981
Convention on the Rights of the Child	14 June 1993
ILO Convention No. 138 concerning Minimum Age for Admission to Employment	19 May 2000
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Signed on 8 September 2000
Optional Protocol to the Convention on the Rights of the Child on the Sale of children, child prostitution and child pornography	Signed on 8 September 2000
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	26 July 1956
Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	26 July 1956
Geneva Convention relative to the Treatment of Prisoners of War	26 July 1956
Geneva Convention relative to the Protection of Civilian Persons in Time of War	26 July 1956

International instruments	Ratification/accession/acceptance
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	Signed on 12 December 1977
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	Signed on 12 December 1977

21. On the occasion of the celebration of the fifty-first anniversary of the Universal Declaration of Human Rights, in a message addressed to the nation, His Majesty King Mohamed VI said: "We wish to reaffirm our commitment to human rights and the values of liberty and equality, for we are firmly convinced that respect for human rights and the international conventions in which such rights are enshrined is not a luxury or a fashion to which one conforms, but a necessity dictated by the imperatives of construction and development. Some people consider that complying with the Universal Declaration of Human Rights is likely to hamper development and progress, and might clash with real or imagined specific cultural characteristics. For our part, we believe that there is no opposition between the imperatives of development and respect for human rights, just as there is no antagonism between Islam, thanks to which human dignity is firmly rooted, and human rights. That is why we consider that, if human rights are not respected in the future, there will be no future."

A. Judicial, administrative or other authorities

22. Since 1993, Morocco has had a Ministry of Human Rights. The tasks of this Ministry include:

(a) To review all draft legislation and regulations for compliance with the principles of human rights and suggest necessary corrections;

(b) To identify any causes for failure to respect or apply the principles and rules relating to human rights, and to strive to ensure that they are respected more strictly;

(c) To suggest measures for the establishment and development of institutions which can strengthen respect for and the promotion of human rights;

(d) To harness all educational and other resources in order to disseminate, promote and strengthen the culture of human rights;

(e) To strengthen dialogue and cooperation with associations that are directly or indirectly concerned with human rights.

23. In a context of respect for international law and national decisions, which take shape in the dialectical link between the struggle for independence, democracy and the establishment of the rule of law, His Majesty the King, viewing human rights as the foundation of his actions, set up the Consultative Council on Human Rights (CCDH) (*dahir* [Law No. 1.90.12] of 24 Ramadan 1410 [20 April 1990]). Addressing the members of the Council, he said:

> "I urge you, members of the Council, in an appeal to your probity and your civic sense, to help me to restore rights to anyone who has been deprived of them, to help me ensure that, together, we succeed in raising this country to a position among civilized countries enjoying the rule of law. Lastly, I ask you to judge, in a perfectly dispassionate manner, whether in a particular case human rights have or have not been violated. If so, you will proclaim the truth. If not, you will not hesitate to say that human rights have not been violated, that there have been lies, false witness, falsification."

The CCDH, a national institution which is independent of the legislature, the executive and the judiciary and enjoys administrative and financial autonomy, has undergone reform designed to broaden its functions and to renew its membership and working methods so as to make it better equipped to entrench civil and political rights and to grant major importance to economic, social and cultural rights.

24. The following is a comparative table of the *dahir* of 1990 and the *dahir* of 2001 setting up and reforming the CCDH:

***Dahir* of 1990**	***Dahir* of 2001**
Number of articles: 9	Number of articles: 18
Task	*Task*
To assist the King in all issues relating to human rights	To assist the King by providing advice on all issues relating to the upholding and protection of human rights, respect for and guarantees of their full realization and their promotion as well as the preservation of the dignity, rights and liberties of citizens, social groups and communities.
Chair	*Chair*
Calls the members of the Council to the various meetings decided on by himself or on the recommendation of the King; chairs the meetings; decides on the opening and closure of discussions	Provides leadership for the Council and takes all necessary steps to ensure its smooth operation, in particular by setting the agenda and the sessions of the Council following approval by the King; bringing the conclusions of the meetings of the Council to the attention of the King; setting the annual budget of the Council, which he has power to

***Dahir* of 1990**

***Dahir* of 2001**

authorize; calling the members of the Council to the various regular and special sessions. He is the official spokesman for the Council. He is the official interlocutor vis-à-vis national public authorities and international agencies and bodies.

Organizational chart

- The Chair
- The General Secretariat
- The working groups
- The committees

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Duties

- Creation of a cultural climate in the field of human rights (training, etc.)
- Harmonization of legislation (Code of Penal Procedure, Penal Code, regulation of prison establishments, Labour Code, etc.);
- Ensuring that legal rules and practice corresponds;
- Crystallization of the rules of international law (ratification of international conventions and treaties, etc.);
- Provision of information to public opinion at the national and international level;
- Establishment of continuous cooperation with organizations dealing with human rights.

Duties

The Council has been granted the following prerogatives:

- To provide consultative opinions on issues of a general or special nature which relate to the upholding and protection of, respect for and promotion of human rights, the liberties of citizens, social groups and communities
- To discharge any task assigned to it by the King in the above-mentioned field;
- To submit any proposal or report designed to ensure better protection and broader promotion of human rights;
- To present to the King an annual report on the status of human rights and on the achievements of and prospects for action by the Council;

***Dahir* of 1990**

***Dahir* of 2001**

- To study the harmonization of domestic legislation and regulations with international human rights charters and conventions which the Kingdom of Morocco has ratified or to which it has acceded and which have been duly published, and also to draw up appropriate recommendations;

- To encourage ratification of or accession to international human rights conventions and treaties on the part of Morocco and to study the draft conventions and draft legislation and regulations relating to human rights which are submitted to the Council for consideration;

- On its own initiative or at the request of the party concerned, to study cases of violations of human rights which are submitted to it and to make the necessary recommendations to the competent authority;

- To facilitate cooperation between the public authorities on the one hand and, on the other, representatives of national associations and qualified figures working in the field of human rights;

- To contribute by all appropriate means to the dissemination and inculcation of human rights culture;

- To contribute, as required, to the preparation of the reports which the public authorities are expected to submit to the competent United Nations bodies and international and regional institutions, in pursuance of the Kingdom's international commitments, and, where necessary, to provide assistance to the Moroccan delegations participating in international meetings on human rights;

***Dahir* of 1990**

***Dahir* of 2001**

- To cooperate with the United Nations and its agencies, as well as with international and regional institutions and national bodies in other countries which have competence in the field of the projection of human rights, and to work for the strengthening of the Kingdom's role in this field;

- To make an effective contribution to the protection of the rights and freedoms of Moroccans living abroad, in cooperation with similar agencies;

- To encourage and support all humanitarian activities designed to uphold, preserve and promote human rights and contribute to enshrining their highest values;

- To offer its views on the annual report submitted to the Council by the member responsible for the body in charge of promoting intermediation between citizens, local authorities and the Government.

Membership

5 ministers

- The Minister of State, Minister for Foreign Affairs and Cooperation

- The Minister of State, Minister of the Interior

- The Minister of Justice

- The Minister of *Habous* and Islamic Affairs

- The Minister for Human Rights

Membership

The Council is composed of the Chair and a maximum of 44 members who have a deliberative role. The members of the Council are selected from among figures well known for their impartiality, their moral probity, their intellectual skills, their sincere attachment to human rights and their meritorious contributions towards strengthening human rights. The Chair of the Council is appointed by *dahir* for a renewable term of six years.

The 44 members, who have a deliberative role, are selected as follows:

***Dahir* of 1990**	***Dahir* of 2001**
24 members of the following organizations: – 9 representatives of the various political parties – 1 former member of the Liberation Army – 1 former member of the Resistance – 4 representatives of the various trade union groups – 2 representatives of human rights associations – 1 representative of the association of judicial officers of Morocco – 1 representative of the Bar Association of Morocco – 4 representatives of university teaching staff – 1 representative of the national order of physicians 9 prominent figures selected for their abilities in the field of human rights and their high moral sense.	(i) 14 members proposed by the associations which are most active in the field of human rights and recognized for their sustained activities to promote such rights, including associations which specialize in matters relating to economic, social and cultural rights, such as issues of citizenship, the environment, the advancement of women, children and the disabled; they are appointed by *dahir* for a renewable term of four years (ii) 9 members proposed by the political parties and trade union organizations; they are appointed by *dahir* for a renewable term of four years (iii) 6 members, one per organization, proposed by the League of Ulemas of Morocco, the Hassanian Association of Judicial Officers, the Bar Association of Morocco, the National order of physicians, the association or associations representing university teaching staff and the Hassan II Foundation of Moroccans living abroad; they are appointed by *dahir* for a renewable term of four years (iv) The head of the body responsible for the promotion of intermediation among citizens, the social groups and the Government (v) 14 members selected by Our Cherifian Majesty appointed by *dahir* for a term of four years. Apart from the deliberating members, the Council includes, as members with consultative status, the ministers dealing with the areas falling under the Council's competence. They may take part in the meetings of the Council and its subsidiary bodies. They customarily send representatives to such meetings.

***Dahir* of 1990**	***Dahir* of 2001**
Meetings	*Meetings*
The Council meets as required, and at least twice a year. Meetings are convened by the Chair, either on his own initiative or at the request of the King. He may designate some of the members to form working groups to study specific issues and make recommendations. The Council and the working groups may, if they deem it useful, hear or consult prominent figures with special competence in the field of human rights.	The Council meets at least twice a year whenever necessary. Meetings are convened by the Chair in pursuance of a recommendation by the King.
Right to raise issues	*Right to raise issues*
Issues may be placed before the Council in several ways. Firstly, it is for the King to request the Council to study a general or particular problem on which he needs to be informed. But in addition, the Council may itself, by a two-thirds majority of its members, take up a particular issue to which it wishes to draw the King's attention.	The Council may decide, by a two-thirds majority of its members, to take up any issue which it deems useful to present to the King. The Council adopts its opinions, recommendations and proposals by the same majority.
Budget	*Budget*
The budget is set by the Palace and does not fall under any ministerial department.	The Council enjoys administrative and financial autonomy in managing its budget. To that end it has a special budget to meet its operating expenses and pay for equipment.

Secretariat services for the Council are provided by the Secretary-General, who is selected from among its members.

B. Remedies available in the event of violation of human rights

1. Judicial remedies

25. When rights are violated, the victims may in the first place seek judicial remedies. Such remedies are available whenever a right acknowledged in the law is not respected. Proceedings take place before civil or criminal courts depending on the nature of the right which has been violated. Thus a person claiming maintenance will apply to a civil court, while the victim of arbitrary detention may bring a case before a criminal court. Where the violation of a right constitutes an offence, the Public Prosecutor may also institute proceedings, whether or not the victim brings criminal indemnification proceedings.

26. The legal system in Morocco is organized in accordance with a *dahir* of 15 July 1974. It includes the following courts of general jurisdiction: the commune and district courts, the courts of first instance, the Court of Appeal, the Supreme Court, the Special Court of Justice and the Permanent Military Tribunal; their functions are discussed below.

(a) Commune and district courts

27. The commune courts and district courts are composed of a single judge assisted by a court clerk or a secretary. The judges of such courts are appointed by *dahir*, for a period of three years, following a proposal by the Supreme Council of the Judiciary.

28. The functions of these courts involve minor civil and criminal cases. Within their geographical area of competence, the judges of these courts may order any measure designed to put an end to any action hampering enjoyment of the right to property.

(b) Courts of first instance

29. Each court of first instance includes a presiding judge, judges (some of whom may perform the functions of deputy presiding judge) and alternate judges; a prosecuting team composed of a public prosecutor and one or more alternates; a prosecutions clerk; and a court clerk.

30. Courts of first instance may hear all cases, except when the law explicitly assigns competence to a different court. This is a general competence which extends to all civil, property, criminal and social cases. All issues relating to personal, family and inheritance status also fall under these courts, whether the issues involve Moroccan nationals, Muslim or Jewish, or foreigners.

31. In criminal matters, the courts of first instance are competent to hear cases involving minor offences, while serious offences fall under the competence of the Court of Appeal. The Minister of Justice has embarked on a thoroughgoing reform of the Moroccan prison system, focusing on making prison conditions more humane and preparing prisoners for reintegration in the social environment. This reform is aimed at elaborating on the concept of "prisoners' rights" by means of a genuine review of the concept of law enforcement policy. The aim is that prisons should no longer be just places of detention and deprivation of liberty, but also centres in which rehabilitation and preparation for reintegration takes place, and where human dignity is preserved.

32. Under law No. 23-98, adopted on 25 August 1999 and published on 16 September 1999, concerning the organization and operation of prison establishments, all prisoners are now allowed to engage in vocational training or pursue studies, and protected from any discrimination based on race, colour, sex, nationality, language, religion, belief or social status. Prisoners may attend to their property outside the prison, receive friends and family, freely practise their religion and exercise their right to artistic and intellectual creativity. Their families must be informed of the place where they are held.

33. The legislative and regulatory framework within which justice is dispensed must in turn evolve if it is to support and provide effective backing for the reform which has been initiated, and help to attain the objectives set. In this context, a variety of instruments have been adopted, including a decree setting out the functions and organization of the Ministry of Justice, a Prisons Act and laws incorporating commercial courts in the legal system and making them subject to the Judiciary Regulations.

(c) Appeal courts

34. There are 21 appeal courts, which hear appeals against the judgements of courts of first instance, as well as appeals against orders issued by their presiding judges. Three judges sit in appeal courts and hand down their decisions. These courts also have specific competence in criminal matters, which are entrusted to criminal and correctional divisions and examining magistrates, namely:

(i) The Correctional Division, in addition to its role as a court hearing appeals against the judgements of the courts of first instance relating to ordinary and minor offences, also hears appeals against orders issued by an examining magistrate. It also has a number of other functions, including monitoring the activities of the officers of the criminal investigation department, and monitoring inquiries carried out in the investigating offices falling under the Court of Appeal.

(ii) The examining magistrates, who are appointed from the bench, are responsible for investigations - the phase during which evidence is gathered in preparation for a trial - which are mandatory for the most serious offences (those punishable by the death sentence or life imprisonment) and optional for other offences.

(d) Supreme Court

35. The Supreme Court was established at independence by *dahir* No. 1-57-223 (2 Rabie I 1377) of 27 September 1957. It stands at the peak of the judicial apparatus and is the highest of all the ordinary courts in the Kingdom. Its organization and its competence were laid down by the *dahir* of 15 July 1974 establishing the Kingdom's legal system, the Code of Civil Procedure, and various provisions of the Code of Penal Procedure and the Code of Military Justice.

36. The Supreme Court has many and varied functions. However, the law limits its role to reviewing matters of law alone. It verifies the lawfulness of judgements rendered by ordinary courts and thereby ensures uniform interpretation of precedents.

(e) Special Court of Justice

37. This court is competent to hear cases involving public officials charged with misappropriation of public funds, corruption, influence-peddling and embezzlement of public funds. The judgements of special courts - the standing tribunal of the royal armed forces or the special court of justice - are always subject to judicial review by the Supreme Court.

(f) Permanent Military Tribunal

38. This court is competent to rule on all offences committed by military personnel and army officers: specific offences (desertion, mutiny, etc.) or offences under the ordinary law (murder, rape, etc.). Its competence extends to civilians who commit offences against members of the royal armed forces, as well as offences against the external security of the State (spying and treason).

2. Administrative remedies

39. The administrative courts are governed by *dahir* No. 1.91.225 (22 Rabia I 1414) of 10 September 1993, whereby Law No. 41.90 establishing administrative courts was promulgated. The establishment of these courts put the finishing touches to the rule of law in Morocco and brought justice closer to citizens.

(a) Putting the finishing touches to the rule of law

40. Citizens are offered an opportunity to take legal action where the authorities, the administration and the State fail to respect the law in their relations with citizens; protection and strengthening of their rights; and strengthening of the rule of law while affirming respect for the rights of citizens on the part of all bodies responsible for watching over their security and the exercise of their legal rights.

(b) Bringing justice closer to citizens

41. The expansion of the administration in its various forms (decentralization of the services provided by the State) has made it more urgent to enhance the system whereby the courts monitor the administration. The broadly centralized nature of the legal system (before the establishment of the administrative courts), especially in relation to monitoring compliance with the law, hampers access to it and thus hinders the expansion of monitoring of the administration at the national or local level.

42. Consequently, it proved vital to ensure that a judge who is competent to take decisions on administrative matters was brought closer to those who might have occasion to bring complaints against the administration. This process took place through the establishment of seven administrative courts which were initially set up in the Kingdom's seven regions, until such time as each prefecture or province could be provided with such a court. At the same time, article 10 of the Act under which these courts were set up emphasizes the need for decentralization in cases of proceedings to quash an administrative act for illegality, which are heard by the administrative court of the area where the plaintiff lives. These courts are competent essentially to hear appeals against decisions by administrative departments on the grounds that they have exceeded their powers, disputes relating to contracts with the administration and actions seeking compensation for damage caused by the actions and activities of public officials. In order to put the finishing touches to the machinery of administrative justice, administrative appeal courts and a Council of State are to be set up shortly.

(c) Organization

43. The seven administrative courts have been set up in the principal regions of the Kingdom. Their judges are governed by the Judiciary Regulations, but they are recruited and trained in keeping with their functions. General assemblies are held to define their internal mode of operation. The courts are collegiate in nature; the proceedings are heard and the judgements handed down by three judges. When the volume of cases so dictates, the court may be split into divisions specializing in certain types of case.

44. The presiding judge of the administrative court designates one or more royal law commissioners from among the judges of the court, as proposed by the general assembly of the court, for a term of two years. These commissioners must appear at the hearing of each case in an entirely independent role. They help to explain the applicable law to the court and suggest solutions. They play no part in the judgement. They are not responsible for defending the administration, but must present an objective and balanced analysis of all the elements of the case and guide the court towards a fair and legally correct decision.

(d) Functions

45. The administrative courts are competent to hear (in first instance) cases in the following areas:

(a) Appeals against decisions by administrative departments on the grounds that they have exceeded their powers;

(b) Disputes relating to contracts with the administration;

(c) Actions seeking compensation for damage caused by the actions and activities of public officials;

(d) Disputes arising from the awarding of pensions and death grants in respect of employees of the State, local authorities and public establishments and the administrative staff of the Chamber of Representatives;

(e) Fiscal disputes;

(f) Electoral disputes in respect of communal elections;

(g) The lawfulness of administrative actions.

46. As an exception to the rules relating to geographical competence, the Rabat administrative court takes decisions on two types of dispute, irrespective of the domicile of the respondent:

(a) Disputes relating to the individual circumstances of the most senior administrative officials - those who are appointed by *dahir* or by decree;

(b) Disputes arising abroad or on the high seas, or more broadly in any place which does not fall under the competence of a specific administrative court.

47. Appeals against the judgements of administrative courts are heard before the administrative division of the Supreme Court. This is a temporary state of affairs, however, since His Majesty King Mohamed VI said in a speech delivered to the members of the CSM on 15 December 1999:

> "We have decided to establish an Administrative Appeal Court in the context of the setting up of a Council of State at the pinnacle of our country's judicial and administrative pyramid."

3. Other remedies

(a) The Constitutional Council

48. The Constitutional Council discharges the functions entrusted to it under articles of the Constitution or the provisions of organizational laws. It takes decisions on whether elections to Parliament and referendums have been conducted properly. In addition, organizational laws, before promulgation, and the rules of procedure of each Chamber, before entry into force, must be submitted to the Constitutional Council, which decides whether they are in conformity with the Constitution. For the same purpose, the King, the Prime Minister, the Chair of the Chamber of Representatives, the Chair of the Chamber of Counsellors or a quarter of the members of either Chamber may refer laws to the Constitutional Council before promulgation. There is no appeal against decisions of the Constitutional Council. They are mandatory for the public authorities and all administrative and judicial authorities.

(b) The Ministry of Human Rights and the Consultative Council on Human Rights

49. These institutions hear complaints from any person who considers that his or her rights have not been respected. This extrajudicial remedy offers complainants the advantage of simplicity and flexibility. However, this procedure does not in any way prevent those who make use of it from having subsequent recourse to the courts.

50. The Reception and Investigation Service in the Office of the Director for Concerted Action and the Protection of Human Rights in the Ministry of Human Rights has the task of receiving complaints and investigating them.

(a) If the complaint is unfounded, the complainant is told of the reasons for its rejection;

(b) If the complaint appears to be well founded, but does not truly relate to the violation of a right falling under the competence of the Ministry (for example, in the case of a dispute between individuals), the complainant is provided with the necessary advice to enable him or her to resolve the problem using the appropriate means;

(c) Lastly, if a complaint which falls under the competence of the Ministry seems to be well founded, the case is meticulously investigated. The agency concerned is contacted to obtain additional information. If it is confirmed that a right has been violated, a letter backed up by appropriate legal arguments is sent to the official department concerned calling on it to compensate for the harm caused. In the event of disagreement, conciliation is organized in an effort to arrive at a common position. If this process fails, the Prime Minister may be requested to arbitrate.

51. The Ministry of Human Rights receives over 3,000 complaints per year, covering the widest variety of topics - abuse of power while a person is held in custody, expropriation, wrongful dismissal, refusal to implement decisions of the courts, etc.

52. In order to facilitate cooperation with other departments and enable the Ministry of Human Rights to discharge this function effectively, the Prime Minister issued a circular on 15 September 1994 stipulating that: "... *In pursuance of decree No. 2-94-33 of 24 May 1994, concerning the duties and organization of the Ministry of Human Rights, the Ministry shall investigate the complaints addressed to it and shall earmark for investigation those which it deems to be well founded with a view to seeking, together with the departments concerned, the solutions most in keeping with human rights and the rule of law. In order to enable the Ministry of Human Rights to discharge this function, to which His Majesty the King attaches the greatest importance, and in order to organize cooperation between this Ministry and the other departments effectively and rationally, it has been decided to designate the Inspectors-General in the various ministries as contact points for the Ministry of Human Rights in the investigation of complaints relating to violations of human rights ...*".

53. The Consultative Council on Human Rights also receives complaints of human rights violations; in such cases it requests the agencies involved to undertake investigations for the purpose of restoring the rights of the complainant when his or her allegations are found to be true.

(c) The Arbitration Commission for Compensation

54. This independent arbitration body has the task of setting compensation for material damage and moral injury suffered by the victims of disappearance or arbitrary detention and their successors. It is composed of three Supreme Court judges, including the presiding judge, four members of the CCDH, a representative of the Ministry of the Interior and a representative of the Ministry of Justice. This body was set up under the CCDH in pursuance of a royal order of 16 August 1999 after His Majesty the King had approved the advisory opinion submitted to His Majesty on 2 July 1999, the advisory opinion of the twelfth session dated 28 September 1998 and the advisory opinion of the thirteenth session dated 2 April 1999.

IV. INFORMATION AND PUBLICITY

55. The various international conventions to which Morocco is a party are published in the Kingdom's *Official Gazette*. In this way the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were published in December 1996. The International Convention on the Elimination of All Forms of Racial Discrimination was published in the *Official Gazette* on 4 February 1970.

56. The Ministry of Human Rights issues publications concerning human rights. It has published the following:

(a) Three bulletins containing general information;

(b) An illustrated edition of the Convention on the Rights of the Child designed to explain and popularize the text;

(c) The Government's initial report on the implementation of the Convention on the Rights of the Child;

(d) The Convention on the Elimination of All Forms of Racial Discrimination, with the guidelines and recommendations issued by the Committee;

(e) The Convention on the Elimination of All Forms of Discrimination against Women;

(f) Two collections, one concerning the international human rights conventions to which Morocco has acceded, and the other on conventions on international humanitarian law which Morocco has ratified.

57. Organizations with an interest in human rights such as the Ligue marocaine de défense des droits de l'homme (LMDDH), the Association marocaine des droits de l'homme (AMDH), the Organisation marocaine des droits de l'homme (OMDH), the Comite de défense des droits de l'homme (CDDH), the Alliance marocaine de défense des droits de l'homme(AMDDH), the Forum marocain pour la verité et la justice (FMVI) and other women's associations and associations with a general or sectoral approach to children help to make society aware of the problems of human rights and to spread a culture of human rights. Some of these activities are carried out in partnership with governmental agencies. The Ministry of Human Rights ensured the dissemination and dispatch of the Convention on the Elimination of All Forms of Racial Discrimination, and the guidelines and recommendations arising from the consideration of the twelfth and thirteenth reports, to all the human rights associations and organizations; it also invited them to participate in the preparation of the report.

58. Radio and television broadcasts devote increasing air time to human rights issues. In addition, regular programmes, both on the first channel and on the second, address and organize discussions on a variety of topics relating to human rights and the exercise of civil rights and liberties which stem from Moroccan legislation and the different international conventions which Morocco has ratified. Human rights days are celebrated with cultural activities and special radio and television broadcasts.

59. The celebration of the fifty-first anniversary of the Universal Declaration of Human Rights was marked by a royal message, in which His Majesty King Mohamed VI emphasized the duty to respect others and the need to give priority to tolerance, constructive dialogue and peace.